In the High Court of Judicature at Madras

Dated: 13.03.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM

and

The Honourable Mr.Justice N. PAUL VASANTHAKUMAR

W.P.No.47169 of 2006
& M.P.No.1 of 2006

A.Dhakshnamoorthy .. Petitioner

Vs..

1.Chennai Metropolitan Development Authority,
rep. by its Member Secretary,
No.8, Gandhi Irwin Road,
Egmore, Chennai-600 008.

2.The Corporation of Chennai,
rep. by its Commissioner,
Rippon Buildings,
Chennai-600 003.

3.The Assistant Engineer,
Tamil Nadu Electricity Board,
K.K.Nagar West, MGR Nagar Main Road,
Chennai-600 078.

4.Chennai Metropolitan Water Supply and
Sewerage Board,
No.1, Pumping Station Road,
Chennai-600 002.

5.A.Krishnamoorthy .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct respondents 1 and 2 to demolish the newly constructed unauthorised building at old door No.8-B, New door No.33, Vembuliamman Koil Street, K.K.Nagar, Chennai-600 078 in accordance with the provisions of the Chennai City Municipal Corporation Act, 1919 within the time stipulated by this Court.

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For Petitioner : Mr.K.Premkumar
For 1st respondent : Mr.J.Ravindran
For 2nd respondent : Mr.L.N.Praghasam
For 5th respondent : Mr.P.B.Ramanujam for Mr.B.K.Srinivasan

ORDER

(Order of the Court was made by P.SATHASIVAM,J.)

The petitioner has filed the above writ petition to issue a writ of mandamus directing respondents 1 and 2 to demolish the newly constructed unauthorised building at old door No.8-B, New door No.33, Vembuliamman Koil Street, K.K.Nagar, Chennai-600 078 in accordance with the provisions of the Chennai City Municipal Corporation Act, 1919.

2. Pursuant to the direction of this Court, the first respondent has filed a counter affidavit, wherein it is stated that during the course of inspection on 28.12.2006, it was noticed that the construction of the fifth respondent is in the ground floor RCC structure with three shops and an A/C sheet shed on the rear side are in existence and no approval details are available at the site. Accordingly, the stop work notice was issued by CMDA vide notice No.D/3151/2006, dated 28.12.2006 calling for approved plan. In addition to the same, it is stated that the Corporation of Chennai was requested to take necessary action under the powers delegated by CMDA in letter No.EC3/26152/06 dated 29.12.2006 with a copy marked to the petitioner.

3. In addition to the above information, the learned counsel appearing for the second respondent informs that notice under Section 236 of Madras City Municipal Corporation Act has already been issued on 19.12.2006 to the fifth respondent.

4. In view of the above information, viz., that the statutory authorities, i.e. respondents 1 and 2 are taking appropriate steps, we are of the view that no further direction is required in this writ petition. Accordingly, the same is closed. No costs. Consequently, M.P. No.1 of 2006 is also closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1.The Member Secretary
Chennai Metropolitan Development Authority,
No.8, Gandhi Irwin Road,
Egmore, Chennai-600 008.

2.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai-600 003.

3.The Assistant Engineer,
Tamil Nadu Electricity Board,
K.K.Nagar West, MGR Nagar Main Road,
Chennai-600 078.

4.Chennai Metropolitan Water Supply and
Sewerage Board,
No.1, Pumping Station Road,
Chennai-600 002.

+ 1 CC To Mr. L.N.Praghasam, Advocate SR NO. 15501

+ 1 CC To Mr. B.K.Sreenivasan, Advocate SR NO. 15448

+ 1 CC To Mr. J.Ravindran, Advocate SR NO.15859

+ 1 CC To Mr. K.Premkumar, Advocate SR NO. 15792

W.P.No.47169 of 2006

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